



# APPLICATION SPECIAL USE PERMIT

Sup 2009-0049

## ADMINISTRATIVE CHANGE OF OWNERSHIP OR MINOR AMENDMENT

☒ **Change of Ownership**      ☐ **Minor Amendment**

[must use black ink or type]

**PROPERTY LOCATION:** 499 S. Pickett Street

**TAX MAP REFERENCE:** 058.03-01-06 **ZONE:** CSL

### APPLICANT

Name: AV Automotive Munich LLC D/B/A BMW of Arlington

Address: 1100 S. Glebe Road, Arlington, Virginia 22204

### PROPERTY OWNER

Name: ASB South Pickett Street LLC

Address: Attn.: ASB Capital Management LLC, 7501 Wisconsin Ave.,  
Auto Dealership Suite 200, Bethesda, MD 20814

### SITE USE:

☒ **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Change in Ownership**, in accordance with the provisions of Article XI, Division A, Section 11-503 (5)(f) of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having read and received a copy of the special use permit, hereby agrees to comply with all conditions of the current special use permit, including all other applicable City codes and ordinances.

☐ **THE UNDERSIGNED** hereby applies for a Special Use Permit for **Minor Amendment**, in accordance with the provisions of Article XI, Division A, Section 11-509 and 11-511 of the 1992 Zoning Ordinance of City of Alexandria, Virginia.

☒ **THE UNDERSIGNED**, having obtained permission from the property owner, hereby requests this special use permit. The undersigned also attests that all of the information herein required to be furnished by the applicant are true, correct and accurate to the best of his/her knowledge and belief.

AV Automotive Munich, LLC  
By: M. Catharine Puskar, Atty.

Print Name of Applicant or Agent  
Walsh, Colucci, Lubeley, Emrich & Walsh, PC  
2200 Clarendon Boulevard, Suite 1300  
Mailing/Street Address

Arlington, VA 22201  
City and State Zip Code

M. Catharine Puskar by EM  
Signature

703-528-4700 703-525-3197  
Telephone # Fax #

cpuskar@arl.thelandlawyers.com  
Email address

8/13/09  
Date

### DO NOT WRITE IN THIS SPACE - OFFICE USE ONLY

Application Received: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Legal advertisement: \_\_\_\_\_

ACTION - PLANNING COMMISSION \_\_\_\_\_

ACTION - CITY COUNCIL: \_\_\_\_\_

**The following information must be furnished to the Department of Planning and Zoning to determine if the current use conducted on the premises complies with the special use permit provisions and all other applicable codes and ordinances.**

**1. Please describe prior special use permit approval for the subject use.**

Most recent Special Use Permit # 2005-0046

Date approved: May / 31 / 2005  
month day year

Name of applicant on most recent special use permit Richard Steven Niswander

Use Auto Dealership

**2. Describe below the nature of the *existing* operation *in detail* so that the Department of Planning and Zoning can understand the nature of the change in operation; include information regarding type of operation, number of patrons served, number of employees, parking availability, etc. (Attach additional sheets if necessary.)**

The previous auto dealership use on the property, "Alexandria Pontiac Buick GMC", operated under the conditions associated with SUP #2005-0046 approved on May 31, 2005. That business ceased its operation in April 2009, and this application requests an administrative change of ownership for AV Automotive Munich LLC D/B/A BMW of Arlington to operate its auto dealership in accordance with all conditions of approved SUP #2005-0046. There are no proposed changes to the type of operation, number of employees, or parking.

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\_\_\_\_\_

**3. Describe any proposed *changes* to the business from what was represented to the Planning Commission and City Council** during the special use permit approval process, including any proposed changes in the nature of the activity, the number and type of patrons, the number of employees, the hours, how parking is to be provided for employees and patrons, any noise emitted by the use, etc. (Attach additional sheets if necessary)

There are no proposed changes to the site of dealership use.

The Applicant requests a change of ownership only.

4. Is the use currently open for business? ☐ Yes ☒ No

If the use is closed, provide the date closed. April / -- / 2009  
month day year

5. Describe any proposed changes to the conditions of the special use permit:

No changes to the existing conditions are proposed with this  
application.

6. Are the hours of operation proposed to change? ☐ Yes ☒ No

If yes, list the current hours and proposed hours:

Current Hours:

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Proposed Hours:

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7. Will the number of employees remain the same? ☒ Yes ☐ No

If no, list the current number of employees and the proposed number.

Current Number of Employees:

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Proposed Number of Employees:

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8. Will there be any renovations or new equipment for the business? ☐ Yes ☒ No

If yes, describe the type of renovations and/or list any new equipment proposed.

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9. Are you proposing changes in the sales or service of alcoholic beverages? ☐ Yes ☒ No (N/A)

If yes, describe proposed changes:

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- 10. Is off-street parking provided for your employees?** ☒ Yes ☐ No

If yes, how many spaces, and where are they located?

Per Condition #20 of SUP #2005-0046, employee and customer parking is provided per the revised plan, dated August 18, 2000 (SUP #2000-0093). No changes to parking are proposed.

- 11. Is off-street parking provided for your customers?** ☒ Yes ☐ No

If yes, how many spaces, and where are they located?

Please see above.

- 12. Is there a proposed increase in the number of seats or patrons served?** ☐ Yes ☒ No (N/A)

If yes, describe the current number of seats or patrons served and the proposed number of seats and patrons served. For restaurants, list the number of seats by type (i.e. bar stools, seats at tables, etc.)

Current:

Proposed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 13. Are physical changes to the structure or interior space requested?** ☐ Yes ☒ No

If yes, attach drawings showing existing and proposed layouts. In both cases, include the floor area devoted to uses, i.e. storage area, customer service area, and/or office spaces.

- 14. Is there a proposed increase in the building area devoted to the business?** ☐ Yes ☒ No

If yes, describe the existing amount of building area and the proposed amount of building area.

Current:

Proposed:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- 15. The applicant is the** (check one) ☐ Property owner ☐ Lessee

☒ other, please describe: Purchaser of the property

- 16. The applicant is the** (check one) ☐ Current business owner ☒ Prospective business owner

\_\_\_\_ other, please describe: \_\_\_\_\_

17. Each application shall contain a clear and concise statement identifying the applicant, including the name and address of each person owning an interest in the applicant and the extent of such ownership interest. If the applicant, or one of such persons holding an ownership interest in the applicant is a corporation, each person owning an interest in excess of ten percent (10%) in the corporation and the extent of interest shall be identified by name and address.

For the purpose of this section, the term "ownership interest" shall include any legal or equitable interest held in the subject real estate at the time of the application. If a nonprofit corporation, the name of the registered agent must be provided.

**Please provide ownership information here:**

ASB South Pickett Street LLC is an SPE owned by ASB Allegiance  
Investment LLC, which is an open-ended, co-mingled pension fund  
comprised of approximately 120 separate pension funds, none of  
which own more than 10%.